

This document outlines the procedures for attorneys to follow when electronically filing SEALED documents in otherwise PUBLIC/NON-SEALED civil cases.

REVISED: May 2014

SEALED CIVIL DOCUMENTS

E-Filing Sealed Documents in
NON-SEALED Civil Cases

U.S. District Court for the District of Columbia

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

E-FILING SEALED DOCUMENTS IN PUBLIC/NON-SEALED CIVIL CASES:

The U.S. District Court for the District of Columbia requires attorneys to electronically file sealed documents in otherwise **PUBLIC/NON-SEALED CIVIL CASES** using the Electronic Case Filing (ECF) system. (**Note:** Continue to file documents in completely sealed cases in paper). This procedure should only be used when statutory authority or an order from the court permits the filing of a document under seal. The docket entry in ECF will be accessible to the public, however, the document will be **SEALED** upon submission and will only be accessible by the court. Electronic notice of the docket entry will be sent to counsel, but the recipient(s) will not be able to view the sealed document via the document number link.

STATUTORY AUTHORITY:

If statutory authority permits the filing of a document under seal, proceed to **Service of Sealed Documents**.

LEAVE TO FILE:

Before filing your sealed document, you must have leave of court. Your motion for leave to file AND your proposed sealed document can now be filed electronically. Using the event ***Sealed Motion for Leave to File Document Under Seal*** found on the **Sealed Entries for Partially Sealed Cases** menu, file your motion and attach your proposed sealed document as an exhibit. This docket entry will be public but the documents will be **SEALED**. (**Note: DO NOT** use a regular motion docket entry on the **Motions** menu to file your proposed sealed document, as it will be visible to the **PUBLIC**). Once the motion is granted, the Clerk's Office will file the sealed document as a new and separate docket entry.

SERVICE OF SEALED DOCUMENTS:

Since the sealed document will not be accessible through the Notice of Electronic Filing (NEF), the filing party is responsible for serving all sealed documents and attachments on opposing counsel by other means. A certificate of service must be included with every filing and a copy of the NEF should be served with the sealed document.

PUBLIC ACCESS:

Sealed documents filed in ECF cannot be viewed remotely or on the Clerk's Office public terminals by either the general public or counsel.

AVAILABLE EVENTS:

Only documents properly filed using specific sealed docket entries are **SEALED** upon submission. The events are located on the **Sealed Entries for Partially Sealed Cases** list of events found under the sub-header **Partially Sealed Cases** on the **CIVIL** docketing menu.

The following sealed civil events are available for your use:

- ***Sealed Motion for Leave to File Document Under Seal***
- ***Sealed Document***
- ***Sealed Motion***
- ***Sealed Opposition***
- ***Sealed Reply***

All sealed documents should be clearly marked as **UNDER SEAL**. If statutory authority permits the filing of a document under seal, you may use the ***Sealed Motion, Sealed Opposition, Sealed Reply, or Sealed Document*** events. (**Note:** Anything that is not a motion, opposition, or reply should be filed using the ***Sealed Document*** event). Otherwise, the ***Sealed Motion for Leave to File Document Under Seal*** event should be used. When you docket each event, you will have the ability to link or relate your motion, opposition, reply, or other sealed document to a previous docket entry. **USE CAUTION** when creating a link/relationship to a docket entry with overly descriptive docket text, as this could reveal sealed information in the new public docket entry. (**Remember:** The **ENTRY** can be viewed by the public, but the **DOCUMENT** will be sealed, therefore the more vague the docket entry, the better, e.g., SEALED MEMORANDUM IN OPPOSITION filed by John Doe re Motion to Dismiss).

PROBLEMS WITH FILING A SEALED DOCUMENT:

If you cannot file a sealed document electronically due to a technical problem, you **must** file it pursuant to LCvR 5.1(h)(3) in the Clerk's Office during regular business hours (9a.m.-4p.m., Monday through Friday, except holidays). **DO NOT** place the sealed document in the overnight drop box at the 3rd Street entrance of the courthouse and **DO NOT** email/fax it to the court. A signed original and an additional copy in PDF format on a disk are required when sealed documents are filed with the Clerk's Office in person.

FILING A REDACTED DOCUMENT:

If the judge requires you to file a redacted version of a document, the document should be redacted only to the portions that are privileged and confidential and should be filed using the appropriate docketing event to match the title of the document (i.e., motion, memorandum in opposition, etc.). Be sure to add the word **REDACTED** somewhere in the title of the document and in the docket text of the entry.

RED SCREENS:

A sealed docket entry will eventually turn **RED**, beginning with the screen where you add your PDF documents. This is the indication that you are using a sealed document event. If the screen **DOES NOT** turn red, **STOP** immediately. You will need to start your docket entry over to ensure you are using the proper sealed document event.



SUMMARY:**SEALED DOCUMENTS IN PUBLIC/NON-SEALED *CIVIL* CASES**

- *Only documents properly filed using events on the Sealed Entries for Partially Sealed Cases docketing menu are SEALED upon submission.*
- *Once properly filed, only the judge and limited court staff may access sealed documents.*
- *If the judge requests a redacted version to be filed, it should be filed using the docketing event that matches the title of the document with the word REDACTED added to the docket text.*
- *Opposing counsel will not have access to the sealed document through the Notice of Electronic Filing (NEF) or ECF, therefore he/she must be served by other means and a certificate of service must be included with the sealed document.*
- *Filing a sealed document electronically is only permitted by statutory authority or an order from the court.*
- *If the screen does not turn RED while filing your document, STOP and ensure that you are using the proper sealed document event.*

SEALED CIVIL DOCUMENTS: SCREEN-BY-SCREEN

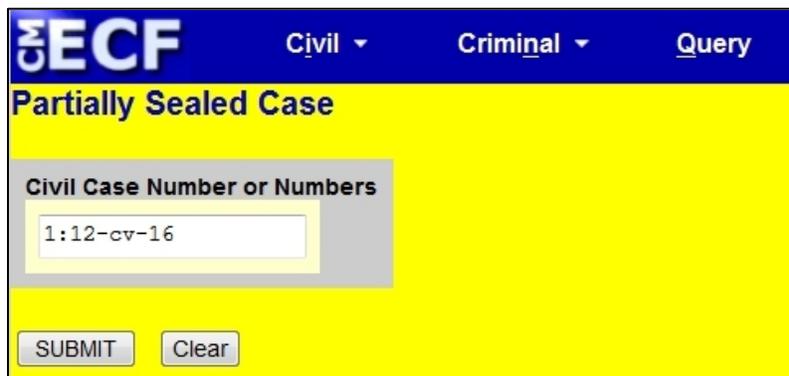
[In this example, we will assume a protective order is already in place.]

1. Select the appropriate **CIVIL** event from the **Sealed Entries for Partially Sealed Cases** list. Click **[SUBMIT]**.



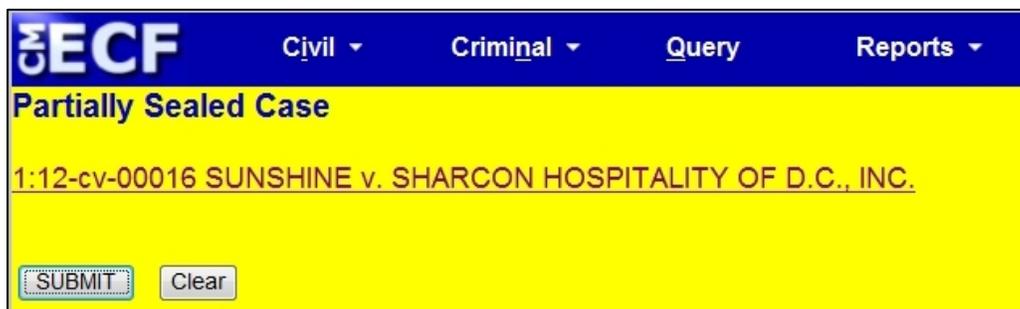
The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Partially Sealed Case". There is a search input field with the placeholder text "Start typing to find another event." Below this, there are two columns: "Available Events (click to select events)" and "Selected Events (click to remove events)". The "Available Events" list includes: Sealed Document, Sealed Motion, Sealed Opposition (highlighted in blue), and Sealed Reply. The "Selected Events" list contains: Sealed Opposition. At the bottom, there are two buttons: "SUBMIT" and "Clear".

2. Enter the case number. Click **[SUBMIT]**.



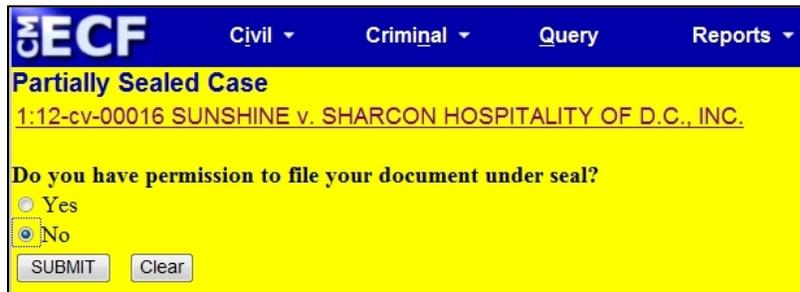
The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, and Query. Below the navigation bar, the page title is "Partially Sealed Case". There is a section titled "Civil Case Number or Numbers" with an input field containing the text "1:12-cv-16". Below the input field, there are two buttons: "SUBMIT" and "Clear".

3. Verify case caption/number. Click **[SUBMIT]**.



The screenshot shows the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, and Reports. Below the navigation bar, the page title is "Partially Sealed Case". Below the title, the case caption is displayed: "1:12-cv-00016 SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.". Below the caption, there are two buttons: "SUBMIT" and "Clear".

4. Answer question: "Do you have permission to file your document under seal?" Click **[SUBMIT]**.
- If No, **STOP** and file a *Sealed Motion for Leave to File Document Under Seal*.
 - If Yes, proceed to step 5.



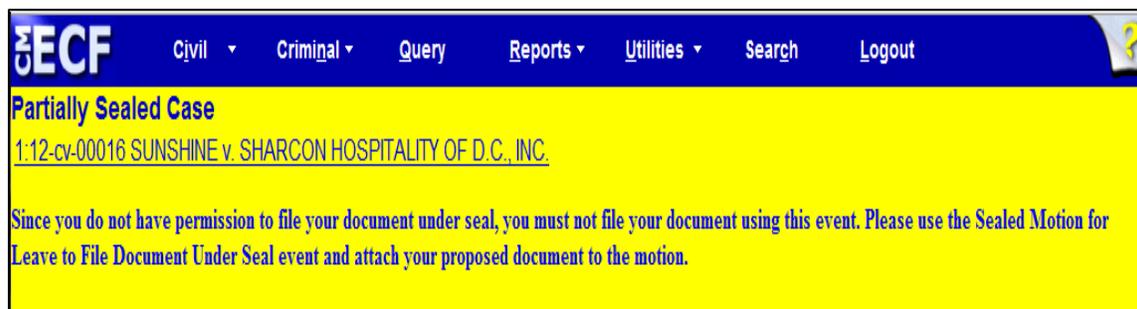
ECF Civil Criminal Query Reports

Partially Sealed Case
1:12-cv-00016 SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.

Do you have permission to file your document under seal?

Yes
 No

SUBMIT Clear

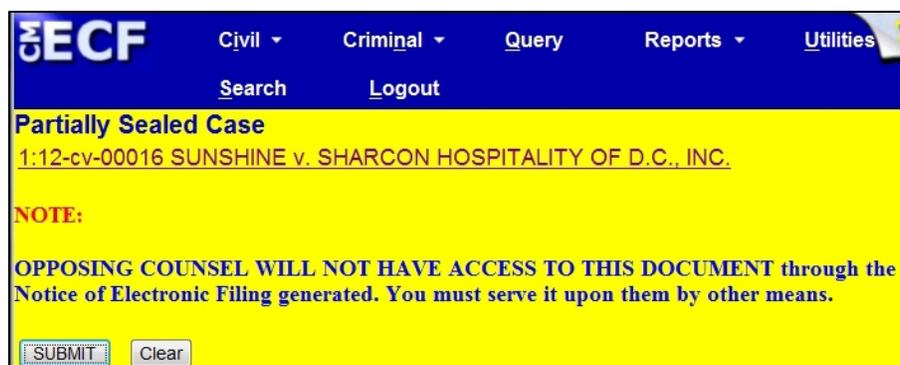


ECF Civil Criminal Query Reports Utilities Search Logout

Partially Sealed Case
1:12-cv-00016 SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.

Since you do not have permission to file your document under seal, you must not file your document using this event. Please use the Sealed Motion for Leave to File Document Under Seal event and attach your proposed document to the motion.

5. Note warning regarding serving opposing counsel by other means. Click **[SUBMIT]**.



ECF Civil Criminal Query Reports Utilities

Search Logout

Partially Sealed Case
1:12-cv-00016 SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.

NOTE:
OPPOSING COUNSEL WILL NOT HAVE ACCESS TO THIS DOCUMENT through the Notice of Electronic Filing generated. You must serve it upon them by other means.

SUBMIT Clear

6. Note warning regarding document descriptions. Click **[SUBMIT]**.

The screenshot shows the ECF interface for a 'Partially Sealed Case' (1:12-cv-00016 SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.). A yellow warning box contains the text: 'WARNING!: The description given to attachments on the following page WILL appear on the PUBLIC docket.' Below the warning are 'SUBMIT' and 'Clear' buttons.

7. Select the filer(s). Click **[Next]**.

The screenshot shows the 'Partially Sealed Case' interface with a 'Pick Filer' section on the left listing 'SHARCON HOSPITALITY OF D.C., INC. dft' and 'LILLY SUNSHINE pla'. On the right, the 'Select the Party:' section has a dropdown menu with 'SHARCON HOSPITALITY OF D.C., INC. [dft]' and 'SUNSHINE, LILLY [pla]' selected. 'Next', 'Clear', and 'New Filer' buttons are at the bottom.

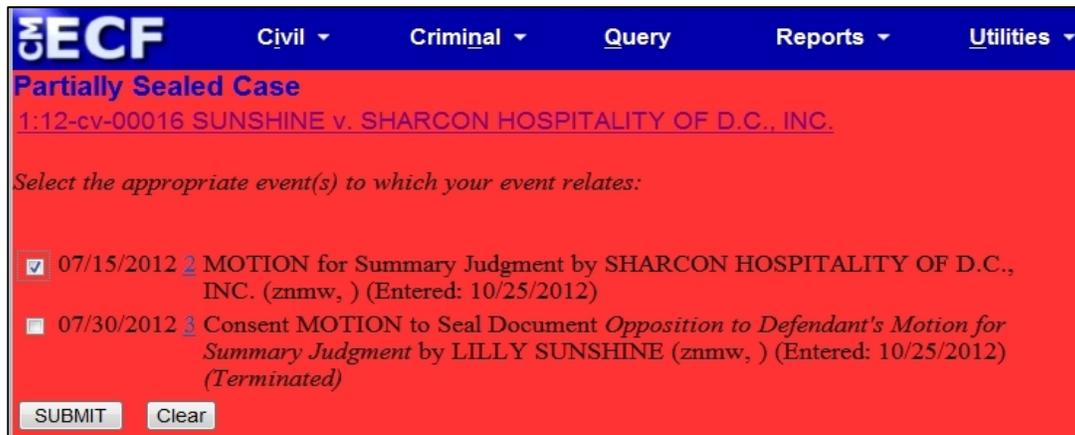
8. Attach your PDF document(s), including a Certificate of Service. Click **[SUBMIT]**.
(Note: The screen has turned RED, indicating it is a sealed docket entry. If the screen does not turn red here, STOP! You may be using the wrong event and should start over to make sure you are using the proper sealed docket entry).

The screenshot shows the ECF interface for a 'Partially Sealed Case' with a red background. It prompts the user to 'Select the pdf document and any attachments.' Under 'Main Document', a file path 'N:\FakeDocsECF\sealedopposition.pdf' is shown with a 'Browse...' button. Below is a table for attachments:

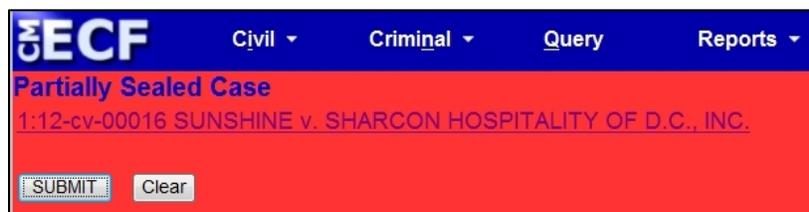
Attachments	Category	Description
1. N:\FakeDocsECF\certofservice.pdf <input type="button" value="Browse..."/>	Certificate of Service	<input type="text"/>
2. <input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>

'SUBMIT' and 'Clear' buttons are at the bottom.

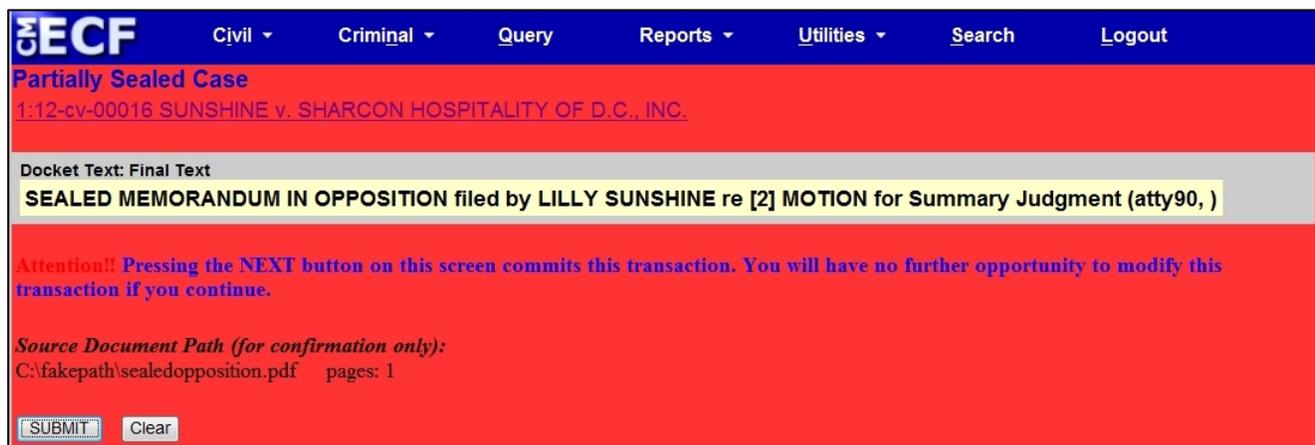
9. The **Sealed Opposition** and **Sealed Reply** events will force you to link your document to a previously filed motion. Select the appropriate motion(s) to which your document relates and click **[SUBMIT]**. (**Note:** The **Sealed Document** event will give you the **option** to link your document to a previous docket entry. Be sure to select the proper entry to create the link, when appropriate).



10. Click **[SUBMIT]** again.



11. Verify docket text. Click **[SUBMIT]**.



12. Receive the Notice of Electronic Filing (NEF) verifying your sealed document has been filed.

The screenshot displays the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Partially Sealed Case" followed by the case name "1:12-cv-00016 SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.". The court information is "U.S. District Court" and "District of Columbia". The main heading is "Notice of Electronic Filing". The text below states: "The following transaction was entered by atty90, on 10/26/2012 at 8:54 AM and filed on 10/26/2012". The case details are: "Case Name: SUNSHINE v. SHARCON HOSPITALITY OF D.C., INC.", "Case Number: 1:12-cv-00016", "Filer: LILLY SUNSHINE", and "Document Number: 6". The docket text is "SEALED MEMORANDUM IN OPPOSITION filed by LILLY SUNSHINE re [2] MOTION for Summary Judgment (atty90,)". Below this, it says "1:12-cv-00016 Notice has been electronically mailed to:" and "1:12-cv-00016 Notice will be delivered by other means to: atty90". At the bottom, it says "The following document(s) are associated with this transaction:".

13. Print the NEF and serve it and the sealed document on opposing counsel.